

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO**

In re: EFRAIN RIVERA SOLER AND  
BRENDA LIZ NIEVES CASTRO  
*Debtors*

Case No. 09-09654 (BKT)

Chapter 11

**WITHDRAWAL OF MOTION TO DISMISS**

TO THE HONORABLE COURT:

COMES Now Almeida & Dávila, P.S.C. through its undersigned attorneys, and very respectfully states and prays:

1. On April 14, 2011 the appearing firm filed a motion to dismiss the case under section 1112 (b)(2) of the Bankruptcy Code. The grounds for the motion were that debtors have not filed amended disclosure statement and plan, and thus they were procrastinating payment to the undersigned.

2. On April 15, 2011 this Honorable Court set a hearing to be held on May 10, 2011 if the debtors timely replied to the motion to dismiss.

3. On April 27 and April 28, 2011 debtors replied and filed a Disclosure Statement and Amended Plan. In light of such filings, the appearing firm hereby withdraws the motion to dismiss and requests that the hearing scheduled for May 10, 2011 be vacated.

WHEREFORE, Almeida & Dávila, P.S.C. respectfully requests from this Honorable Court to enter an order granting the withdrawal of the motion to dismiss without prejudice and to vacate the hearing set for May 10, 2011 at 2:00 PM.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY: That on this same date this document has been electronically filed with the Clerk of the Court, using the CM/ECF System, which will send notification of such filing to the attorney of debtor, to the creditors and all parties in interest including the U.S. Trustee.

*Motion to Dismiss*

2

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 3<sup>rd</sup> day of May, 2011.

**ALMEIDA & DAVILA, P.S.C.**

PO Box 191757

San Juan, PR 00919-1757

Telephone: (787) 722-2500

Fax: (787) 722-2227

s/ **ENRIQUE M. ALMEIDA BERNAL**

USDC-PR 217701

Email: [ealmeida@almeidadavila.com](mailto:ealmeida@almeidadavila.com).

s/ **ZELMA DAVILA CARRASQUILLO**

USDC-PR 218913

Email: [zdavila@almeidadavila.com](mailto:zdavila@almeidadavila.com)